



HUMAN RESOURCES DEPARTMENT

COURT HOUSE
P.O. BOX 311
NORRISTOWN, PENNSYLVANIA
19404-0311

COMMISSIONERS

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DIRECTOR

PETER T. LEIS

(610) 278-3052

TDD: 610-631-1211

February 26, 2008

Mr. Reginald Roberts
121 Slate Run Road
Douglassville, PA 19518

Dear Reginald:

Under the Heart & Lung Act we are required to get a medical diagnosis, and a return to work date in order to make a decision on your eligibility.

A letter was sent to Dr. Fleischman requesting this information along with a Job Analysis for her completion.

Dr. Fleischman wrote back that she could not give us a definitive diagnosis until she received testing results from your pulmonary specialist.

At this time, we are not able to grant you benefits under the Heart & Lung Act. Your request will be reviewed again when more information is received.

Sincerely,

Peter T. Leis
Director

cc: Risa Ferman, District Attorney
Oscar Vance, Chief Detective



572 West Main Street · P.O. Box 26865 · Trappe PA 19426 · Phone: 610.489.9199 · Fax: 610.489.6815

Robert L. Brant · Wendy Feiss McKenna · Blake E. Dunbar, Jr. · Robert D. Reber, Jr. · Crystal J. Fisher · Doreen L. Smith

March 10, 2008

Peter T. Leis, Director
Human Resources Department
Courthouse
P.O. Box 311
Norristown, PA 19404-0311

**Re: Reginald Roberts
Montgomery County Detective**

Dear Mr. Leis:

This office represents Reginald Roberts with regard to his recent claim for benefits under the Heart and Lung Act. You wrote to him of February 26, 2008, indicating the County was not able to grant the request at this time pending the receipt of additional information.

Recently, the enclosed letter was prepared by Michael W. Sims, M.D., a pulmonary specialist which was hand-delivered to Tony Luter as well as Deputy Chief Sam Gallen of County Detectives. You will note that Dr. Sims indicates that Reginald has had a positive PPD skin test which indicates that he has been infected with tuberculosis. As a result, several debilitating symptoms from this condition are being evaluated.

Specific to Detective Roberts, the Heart and Lung Act provides that, "It shall be presumed that tuberculosis of the respiratory system contracted or incurred after four consecutive years of service was contracted or incurred as a direct result of employment." Additionally, the statute does not require that a return to work date be determined for the employer to make a ruling on eligibility for Heart and Lung Benefits. The statute only requires that the disability be temporary in nature. Under the circumstances of this case, a diagnosis has been made and the statutory presumption requires the immediate commencement of Heart and Lung Benefits.

The Heart and Lung Act entitles Detective Roberts to full pay including all wages and fringe benefits, without deduction of any Federal, State or local taxes. In addition, he is entitled to all pay raises as well as the accrual of other benefits to which an active

Peter T. Leis, Director
Human Resources Department
March 10, 2008
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duty Detective would be entitled. Also, any sick time or accrued leave which has been used to date, including vacation, should be credited back to Detective Roberts.

Should you wish to discuss this with me, please feel to contact me at any time.

Very truly yours.

BLAKE E. DUNBAR, JR.

BED/th

Enclosure

Cc: Risa Ferman, District Attorney
Oscar Vance, Chief Detective
Reginald Roberts



Penn Medicine at Radnor

February 27, 2008

To whom it may concern:

This note is to certify that Reginald A Roberts is a patient under my care at the Penn Lung Center at Radnor. Mr. Roberts has a positive PPD skin test indicating that he has been infected with tuberculosis at some point in the past, but he is not currently contagious and poses no risk of spreading TB to those around him. He is currently being evaluated for a number of debilitating symptoms and is medically disabled from working at this time. We anticipate that he will be able to return to work at some point in the future, but the exact date of that return cannot be determined until he has undergone further medical testing and treatment.

Please don't hesitate to contact me if you have any questions or concerns.

Sincerely,

M. Sims, MD
Michael W. Sims, MD



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Robert L. Brant · Wendy Feiss McKenna · Blake E. Dunbar, Jr. · Robert D. Reber, Jr. · Crystal J. Fisher · Doreen L. Smith

April 3, 2008

Peter T. Leis, Director
Human Resources Department
Courthouse
P.O. Box 311
Norristown, PA 19404-0311

**Re: Reginald Roberts
Montgomery County Detective**

Dear Mr. Leis:

I am writing to inquire as to the position of Montgomery County of Reginald Robert's request for Heart and Lung Benefits, which was submitted approximately two (2) months ago, and followed by correspondence from this office on March 10, 2008. Mr. Roberts continues to receive treatment for tuberculosis with the intention and goal of returning to work as soon as possible.

However, his bank of accrued leave is depleting rapidly as you will see from the attached. In fact, Mr. Roberts is now down to 80 vacation hours.

As I indicated previously, upon grant of Heart and Lung Benefits he should be credited with all leave time that he has used since he went out on November 20, 2007.

Based on the lack of response to previous requests for Heart and Lung Benefits, I am now submitting a demand for a Local Agency Hearing in order to address the Heart and Lung issue. Please contact me as soon as possible on this.

Very truly yours.

A handwritten signature in black ink, appearing to read "BED", with a large, stylized flourish extending from the end.

BLAKE E. DUNBAR, JR.

BED/th

COUNTY OF MONTGOMERY

HARRY M. MILLER
COUNTY SOLICITOR



CAROLYN T. CARLUCCIO
CHIEF DEPUTY SOLICITOR
LARRY J. POLMAR
ASSISTANT DEPUTY SOLICITOR
JEFFREY D. ALBERT
ASSISTANT DEPUTY SOLICITOR

BRUCE J. BICKEL
FIRST ASSISTANT COUNTY SOLICITOR
PHILIP W. NEWCOMER
CHIEF OF LITIGATION
LAUREL GRASS
ASSISTANT COUNTY SOLICITOR
MAUREEN C. COGGINS
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OFFICE OF THE SOLICITOR

ONE MONTGOMERY PLAZA
SUITE 800
PO BOX 311
NORRISTOWN, PENNSYLVANIA
19404-0311

Blake E. Dunbar, Esquire
Robert Brant & Associates
572 West Main Street
P.O. Box 26865
Trappe, PA 19426

April 9, 2008

Re: Reginald Roberts

Dear Mr. Dunbar:

I have recently acquired the above referenced file and am responding to your correspondence of April 3, 2008. I want to assure that Mr. Roberts' receives the Benefits to which he is entitled. However, in order to adequately assess Mr. Roberts' ability to receive Heart and Lung Benefits, there are a few more items that are required by the Act. As soon as we are in receipt of the answers to the following requests from Mr. Roberts' doctor, we will expeditiously make a decision.

1. I understand that Mr. Roberts' has tested positive for tuberculosis, but does Mr. Roberts actually have tuberculosis? Have the results of the "further medical testing" referred to by his doctor come in? Please provide the results indicating a definitive diagnosis.
2. When was Mr. Roberts infected with tuberculosis?
3. Please provide an approximate return to work date for your client.

Once we are in receipt of these responses, I will assure an immediate response for your client.

If I can do anything to help you, please do not hesitate to contact me.

Very truly yours,

Carolyn T. Carluccio
Chief Deputy Solicitor

cc: Peter T. Leis, Director, Human Resources

Cc: Risa Ferman, District Attorney
Oscar Vance, Chief Detective
Barry A. Miller, Esquire
Reginald Roberts



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Robert L. Brant · Wendy Feiss McKenna · Blake E. Dunbar, Jr. · Robert D. Reber, Jr. · Crystal J. Fisher · Doreen L. Smith

May 6, 2008

Carolyn T. Carluccio
Chief Deputy Solicitor
County of Montgomery
One Montgomery Plaza
Suite 800
P.O. Box 311
Norristown, PA 19404

RE: REGINALD ROBERTS - HEART AND LUNG BENEFITS

Dear Carolyn:

This letter is a follow-up to our discussion about Detective Roberts some weeks ago.

As you know, Reggie returned to work on April 28, 2008 following clearance by his treating physician. Enclosed is a copy of her last letter to Reggie Roberts prior to his return to work. Although Reggie has returned to work full time, he continues to see Dr. Fleischman on a regular basis and is required to take Isoniazid (INA) for the next nine months in order to make sure that the bacterium is eliminated from his body.

I recently spoke with Dr. Fleischman who gave me the following layman's explanation of her diagnosis. At some point in the recent past, Reggie was exposed to tuberculosis which resulted in the positive PPD test. Upon evaluation, it was determined that he did not suffer from acute, active tuberculosis but that he had the myco bacterium in his body as a result of the exposure which requires the above treatment so that the disease does not progress to an acute stage in which he would pose a threat to others.

Carolyn T. Carluccio
May 8, 2008
Page 2

The bottom line is that Reggie acquired the myco bacterium tuberculosis which remains in his body at this time, although it is non-communicable as a result of the treatment he is receiving. It is clear that Reggie Roberts presently carries the tuberculosis bacterium which satisfies the requirements of the Heart and Lung Act. He is therefore entitled to full wage benefits during the period of time he was out of work on December 20, 2007 until his return a few weeks ago. Accordingly, all leave time used during this period, including sick hours, comp time, vacation and personal time should be reinstated.

Please feel free to call me if you wish to discuss this further.

Very truly yours,

A handwritten signature in dark ink, appearing to read "B. E. Dunbar, Jr.", with a stylized, cursive script.

BLAKE E. DUNBAR, JR.

BED/th
Enclosure

COUNTY OF MONTGOMERY

BARRY M. MILLER
COUNTY SOLICITOR



CAROLYN T. CARLUCCIO
CHIEF DEPUTY SOLICITOR
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19404-0311

May 20, 2008

Blake E. Dunbar, Jr., Esquire
Brant & Associates
572 West main Street
P.O. Box 26865
Trappe, PA 19426

RE: Reginald Roberts – Heart and Lung Benefits

Dear Mr. Dunbar:

Thank you for your prompt response to my last request.

I have one final request before a decision can be made in this case. Please provide copies of Mr. Roberts' medical records which show his disabilities that prevented him from doing his job. We need to have our doctor review all of Mr. Roberts' medical records.

Sincerely,

Carolyn Carluccio
Chief Deputy Solicitor

cc: Peter T. Leis, Director, Human Resources



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Robert L. Brant · Wendy Feiss McKenna · Blake E. Dunbar, Jr. · Robert D. Reber, Jr. · Crystal J. Fisher · Doreen L. Smith

May 29, 2008

Carolyn T. Carluccio
Chief Deputy Solicitor
County of Montgomery
One Montgomery Plaza
Suite 800
P.O. Box 311
Norristown, PA 19404

RE: REGINALD ROBERTS - HEART AND LUNG BENEFITS

Dear Carolyn:

Enclosed is a copy of a recent letter from Dr. Phillips who is involved in the treatment of Detective Roberts, including tuberculosis.

Regarding medical records, for concerns with regard to confidentiality, we would like your physician to contact Detective Robert's treating physicians directly to obtain the information for review. The treating physicians are:

Carol R. Fleischman, M.D., F.A.C.P.
University of Pennsylvania Health System
Penn Medicine at Radnor
250 King of Prussia Road
Radnor, PA 19087-5286

Dr. S. Michael Phillips, M.D., F.A.C.P.
Professor of Medicine and Neurology
University of Pennsylvania
250 King of Prussia Road
Radnor, PA 19087-5286

Please expedite this as it now been over four (4) months since Detective Roberts submitted his original request for Heart and Lung Benefits. Thank you.